

wage-earning capacity if that compensation is payable under section 8106(a) of this title.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 539; Pub. L. 90-83, §1(53), Sept. 11, 1967, 81 Stat. 210; Pub. L. 93-416, §6, Sept. 7, 1974, 88 Stat. 1145.)

HISTORICAL AND REVISION NOTES 1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 756(a).	Sept. 7, 1916, ch. 458, §6, 39 Stat. 743. Feb. 12, 1927, ch. 110, §1, 44 Stat. 1086. May 13, 1936, ch. 382, 49 Stat. 1270. Oct. 14, 1949, ch. 691, §105 "Sec. 6(a)", 63 Stat. 858.

The references in former section 756(a)(2) to definitions in former section 760(H) are omitted as unnecessary as the definitions are included in section 8101 for the entire subchapter.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S.Code)</i>	<i>Source (Statutes at Large)</i>
8110(a)	5 App.: 756(a)(2) (C).	July 4, 1966, Pub. L. 89-488, §7(b), 80 Stat. 254.
8110(b)	5 App.: 756(a)(1).	July 4, 1966, Pub. L. 89-488 §2(e), 3(a), 80 Stat. 252.

In subsection (a), the words "Notwithstanding paragraph (3) of this subsection" are substituted for "Notwithstanding any other provision of this section" for clarity. The word "he" is substituted for "he or she" in two places on authority of 1 U.S.C. 1. The words "section 8101 of this title" are substituted for "section 10(M) of this Act" to reflect the codification of that section in title 5.

AMENDMENTS

1974—Subsec. (a)(2). Pub. L. 93-416 substituted provisions of subpars. (A), (B) and (C) for "wholly dependent on the employee for support because of his own physical or mental disability".

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 effective Sept. 7, 1974, and applicable to any injury or death occurring on or after such effective date, see section 28(a) of Pub. L. 93-416, set out as a note under section 8101 of this title.

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by section 1(53)(B), (C) of Pub. L. 90-83 not applicable to specified personnel, see section 7 of Pub. L. 90-83, set out as a note under section 8103 of this title.

§ 8111. Additional compensation for services of attendants or vocational rehabilitation

(a) The Secretary of Labor may pay an employee who has been awarded compensation an additional sum of not more than \$1,500 a month, as the Secretary considers necessary, when the Secretary finds that the service of an attendant is necessary constantly because the employee is totally blind, or has lost the use of both hands or both feet, or is paralyzed and unable to walk, or because of other disability resulting from the injury making him so helpless as to require constant attendance.

(b) The Secretary may pay an individual undergoing vocational rehabilitation under section 8104 of this title additional compensation necessary for his maintenance, but not to exceed \$200 a month.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 539; Pub. L. 90-83, §1(54), Sept. 11, 1967, 81 Stat. 210; Pub. L. 93-416, §7, Sept. 7, 1974, 88 Stat. 1145; Pub. L. 101-534, §2, Nov. 7, 1990, 104 Stat. 2352.)

HISTORICAL AND REVISION NOTES 1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 756(b).	Oct. 14, 1949, ch. 691, §105 "Sec. 6(b)", 63 Stat. 858. Sept. 13, 1960, Pub. L. 86-767, §101 (less last 13 words), 74 Stat. 906.

In subsection (a), the words "In addition to the monthly compensation otherwise specified in sections 751-756, 757-871, 783-791, and 793 of this title" are omitted as surplusage.

In subsection (b), the words "pursuant to the Secretary's direction" are omitted as unnecessary.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S.Code)</i>	<i>Source (Statutes at Large)</i>
8111(a)	5 App.: 756(b)(1).	July 4, 1966, Pub. L. 89-488, §4(a), 80 Stat. 253.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-534 substituted "\$1,500" for "\$500".

1974—Subsec. (a). Pub. L. 93-416, §7(a), substituted "\$500" for "\$300".

Subsec. (b). Pub. L. 93-416, §7(b), substituted "\$200" for "\$100".

EFFECTIVE DATE OF 1990 AMENDMENT

Section 3 of Pub. L. 101-534 provided that: "The amendment made by section 2 [amending this section] shall take effect October 1, 1990."

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 applicable to cases where injury or death occurred prior to Sept. 7, 1974, but only to a period beginning on or after Sept. 7, 1974, see section 28(a) of Pub. L. 93-416, set out as a note under section 8101 of this title.

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by section 1(54) of Pub. L. 90-83 not applicable to specified personnel, see section 7 of Pub. L. 90-83, set out as a note under section 8103 of this title.

§ 8112. Maximum and minimum monthly payments

(a) Except as provided by section 8138 of this title, the monthly rate of compensation for disability, including augmented compensation under section 8110 of this title but not including additional compensation under section 8111 of this title, may not be more than 75 percent of the monthly pay of the maximum rate of basic

pay for GS-15, and in case of total disability may not be less than 75 percent of the monthly pay of the minimum rate of basic pay for GS-2 or the amount of the monthly pay of the employee, whichever is less.

(b) The provisions of subsection (a) shall not apply to any employee whose disability is a result of an assault which occurs during an assassination or attempted assassination of a Federal official described under section 351(a) or 1751(a) of title 18, and was sustained in the performance of duty.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 540; Pub. L. 90-83, §1(55), Sept. 11, 1967, 81 Stat. 210; Pub. L. 100-566, §5, Oct. 31, 1988, 102 Stat. 2845.)

HISTORICAL AND REVISION NOTES 1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 756(c).	Oct. 14, 1949, ch. 691, §105 "Sec. 6(c)", 63 Stat. 859. Sept. 13, 1960, Pub. L. 86-767, §101 (last 13 words), 74 Stat. 906.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8112	5 App.: 756(c).	July 4, 1966, Pub. L. 89-488, §3(b), 80 Stat. 252.

The words "maximum rate of basic pay for GS-15" and "minimum rate of basic pay for GS-2" are substituted for "highest rate of basic compensation provided for grade 15 of the General Schedule of the Classification Act of 1949" and "lowest rate of basic compensation provided for grade 2 by such General Schedule", respectively, for consistency of style within title 5 and to reflect the codification of the Classification Act of 1949 in title 5.

AMENDMENTS

1988—Pub. L. 100-566 designated existing provisions as subsec. (a) and added subsec. (b).

PERSONNEL NOT AFFECTED BY 1967 INCREASE

Increases authorized under amendment by section 1(55) of Pub. L. 90-83 not applicable to specified personnel, see section 7 of Pub. L. 90-83, set out as a note under section 8103 of this title.

§ 8113. Increase or decrease of basic compensation

(a) If an individual—

(1) was a minor or employed in a learner's capacity at the time of injury; and

(2) was not physically or mentally handicapped before the injury;

the Secretary of Labor, on review under section 8128 of this title after the time the wage-earning capacity of the individual would probably have increased but for the injury, shall recompute prospectively the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to the probable increased wage-earning capacity.

(b) If an individual without good cause fails to apply for and undergo vocational rehabilitation

when so directed under section 8104 of this title, the Secretary, on review under section 8128 of this title and after finding that in the absence of the failure the wage-earning capacity of the individual would probably have substantially increased, may reduce prospectively the monetary compensation of the individual in accordance with what would probably have been his wage-earning capacity in the absence of the failure, until the individual in good faith complies with the direction of the Secretary.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 540; Pub. L. 90-83, §1(100), Sept. 11, 1967, 81 Stat. 220; Pub. L. 93-416, §8(a), Sept. 7, 1974, 88 Stat. 1145.)

HISTORICAL AND REVISION NOTES 1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 756(d).	Oct. 14, 1949, ch. 691, §105 "Sec. 6(d)", 63 Stat. 859.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271 (see section 8145).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

This section amends section 8113(b) of title 5, United States Code, to conform to the source statute (sec. 6(d)(1) of the Federal Employees' Compensation Act, as amended (63 Stat. 859)).

AMENDMENTS

1974—Subsecs. (b), (c). Pub. L. 93-416 struck out subsec. (b) which authorized the Secretary to prospectively recompute compensation because of decreased wage earning power after age 70, aside from injury, and redesignated subsec. (c) as (b).

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 applicable to case where injury or death occurred prior to Sept. 7, 1974, but only to a period beginning on or after Sept. 7, 1974, see section 28(a) of Pub. L. 93-416, set out as a note under section 8101 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-83 effective as of Sept. 6, 1966, for all purposes, see section 9(h) of Pub. L. 90-83, set out as a note under section 5102 of this title.

§ 8114. Computation of pay

(a) For the purpose of this section—

(1) "overtime pay" means pay for hours of service in excess of a statutory or other basic workweek or other basic unit of worktime, as observed by the employing establishment; and

(2) "year" means a period of 12 calendar months, or the equivalent thereof as specified by regulations prescribed by the Secretary of Labor.

(b) In computing monetary compensation for disability or death on the basis of monthly pay, that pay is determined under this section.

(c) The monthly pay at the time of injury is deemed one-twelfth of the average annual earnings of the employee at that time. When compensation is paid on a weekly basis, the weekly equivalent of the monthly pay is deemed one-